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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,947	01/30/2004	David Goldwitz	037602-0109-1	2490
7590		01/26/2006		
DAVID GOLDWITZ P.O. BOX 260037 TAMPA, FL 33685			EXAMINER GRAYSAY, TAMARA L	
			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,947	<b>Applicant(s)</b> GOLDWITZ, DAVID	
	<b>Examiner</b> Tamara L. Graysay	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following:
  - a. FIG. 1: reference character 10 should have an arrowed lead line associated therewith.
  - b. FIG. 1: the text “overall height” and “ground to lowest truss” can be replaced with reference characters and the reference characters added to the specification.
  - c. FIG. 1-3: they fail to comply with 37 CFR 1.84(l) because every line is not sufficiently dense and dark, and uniformly thick and well-defined.
  - d. FIG. 3: there are three elements shown in FIG. 3 – the collapsed shelter on the right, a cover in the middle, and something else to the left. FIG. 3 fails to comply with 37 CFR 1.84(u)(1) because the different views depicted in FIG. 3 must be numbered separately. If the depicted shelter and cover are an exploded view, then a bracket or explosion line may be used in accordance with 1.84(h)(1); however, at least the subject matter depicted at the left side of FIG. 3 does not appear to be an exploded view.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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***Specification***

2. The disclosure is objected to because of the following informalities:
- [0013] at line 14: the term [height] should be overall height as depicted in FIG. 1.

Appropriate correction is required.

***Claim Objections***

3. Claim 1 is objected to because of the following informalities:
- Line 1, be should be inserted after “to” for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US-6666223) in view of Rousselle (US-6345639).

Claim 1: Price discloses a plurality of vertical support members (telescopic corner legs108); a truss structure connecting the vertical support members (upper support structure 104); a canopy overlying the truss structure (148). Price is silent as to the height of the collapsible structure.

Rousselle teaches large collapsible tents “having ceiling heights of 8-10 feet or even substantially greater” (9:10-11) wherein the height is dependent upon the particular use of the tent. A tent used by a golfer during a practicing a swing would require sufficient height to accommodate the physical height of a golfer plus the extension of the golf club held by the golfer during a practice swing, i.e., a clear height of at least ten feet six inches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the height of Price to be at least ten feet six inches, such as suggested by the large collapsible tents of Rousselle, in order to accommodate the height of a golfer and the extension of the golf club in the hands of a golfer during a practice swing.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Feldpausch (US-6892744) teaches a cover 50 for a collapsible frame 20 (FIG. 50).
- Price (US-6666223) further discloses a carrying case (15:13-14) for transporting the collapsed frame.
- Carter (US-6240940) teaches a collapsible frame with a cover 12 and vertically adjustable legs 16.
- Klebe (US-5655766) teaches a collapsible frame of 12 feet or greater (8:25-53).


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- Thompson (US-5496033) and Tabicman (US-4167266) teach inflatable structures for golf.
- Vinzetta (US-4723780) teaches vertical support members adjusted in increments of six inches (1:50-52).
- Price (US-2003/0164185) teaches a collapsible frame for a tent or canopy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tamara L. Graysay  
Examiner  
Art Unit 3636

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